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FILED

Date 2/2/16 By Susan Saylor

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2016-39

13 **RITECH EXTERMINATOR, INC. DBA**
14 **RITECH EXTERMINATOR; JOHN**
15 **HYUK PARK**

A C C U S A T I O N

16 2525 W. 8th Street, #203
17 Los Angeles, CA 90057

18 Company Registration Certificate No. PR 6355,
19 Branch 3

20 Operator's License Number OPR 12127

21 Respondent.

22 Complainant alleges:

23 **PARTIES**

24 1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity as the
25 Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer Affairs
26 (Board).

27 2. On or about August 9, 2011, the Board issued Company Registration Certificate
28 Number PR 6355, Branch 3 to Ritech Exterminator, Inc. dba Ritech Exterminator, with John H.
Park as President, 100% shareholder and Qualifying Manager (Respondent).

3. On December 21, 2010, the Board issued Probationary Operator's License Number

1 OPR 12127 (inactive in Branch 3) to John H. Park (Respondent). The license was placed on a
2 three-year probation, with standard terms and conditions of probation. In or about December
3 2013, the probation was lifted. On January 6, 2015, the license was suspended for failure to
4 maintain general liability insurance as required by Business and Professions Code section 8690 of
5 the Code. On May 6, 2015, the license was reinstated. The license is currently in effect and
6 renewed through June 30, 2016.

7 JURISDICTION AND STATUTORY PROVISIONS

8 4. This Accusation is brought before the Board under the authority of the following laws.
9 Unless otherwise indicated, all section references are to the Business and Professions Code
10 (Code).

11 5. Section 8620 of the Code provides, in pertinent part, that the Board may suspend or
12 revoke a license when it finds that the holder, while a licensee or applicant, has committed any acts
13 or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil
14 penalty.

15 6. Section 8624 of the Code states:

16 "If the board suspends or revokes an operator's license and one or more
17 branch offices are registered under the name of the operator, the suspension or
18 revocation may be applied to each branch office.

19 If the operator is the qualifying manager, a partner, responsible officer, or
20 owner of a registered structural pest control company, the suspension or revocation
21 may be applied to the company registration.

22 The performance by any partnership, corporation, firm, association, or
23 registered company of any act or omission constituting a cause for disciplinary action,
24 likewise constitutes a cause for disciplinary action against any licensee who, at the time
25 the act or omission occurred, was the qualifying manager, a partner, responsible
26 officer, or owner of the partnership, corporation, firm, association, or registered
27 company whether or not he or she had knowledge of, or participated in, the prohibited
28 act or omission."

7. Section 8654 of the Code states:

"Any individual who has been denied a license for any of the reasons
specified in Section 8568, or who has had his or her license revoked, or whose license
is under suspension, or who has failed to renew his or her license while it was under
suspension, or who has been a member, officer, director, associate, qualifying
manager, or responsible managing employee of any partnership, corporation, firm, or
association whose application for a company registration has been denied for any of
the reasons specified in Section 8568, or whose company registration has been

1 revoked as a result of disciplinary action, or whose company registration is under
2 suspension, and while acting as such member, officer, director, associate, qualifying
3 manager, or responsible managing employee had knowledge of or participated in any
4 of the prohibited acts for which the license or registration was denied, suspended or
revoked, shall be prohibited from serving as an officer, director, associate, partner,
qualifying manager, or responsible managing employee of a registered company, and
the employment, election or association of such person by a registered company is a
ground for disciplinary action."

5 8. Section 8516 of the Code states:

6 "(a) This section, and Section 8519, apply only to wood destroying pests
7 or organisms.

8 (b) No registered company or licensee shall commence work on a
9 contract, or sign, issue, or deliver any documents expressing an opinion or statement
10 relating to the absence or presence of wood destroying pests or organisms until an
11 inspection has been made by a licensed Branch 3 field representative or operator. The
address of each property inspected or upon which work is completed shall be reported
on a form prescribed by the board and shall be filed with the board no later than 10
business days after the commencement of an inspection or upon completed work.

12 Every property inspected pursuant to subdivision or Section 8518 shall be
assessed a filing fee pursuant to Section 8674.

13 Failure of a registered company to report and file with the board the
14 address of any property inspected or work completed pursuant to Section 8518 or this
section is grounds for disciplinary action and shall subject the registered company to a
15 fine of not more than two thousand five hundred dollars (\$2,500).

16 A written inspection report conforming to this section and on a form
approved by the board shall be prepared and delivered to the person requesting the
17 inspection or to the person's designated agent within 10 business days of the
inspection, except that an inspection report prepared for use by an attorney for
18 litigation purposes is not required to be reported to the board. The report shall be
delivered before work is commenced on any property. The registered company shall
19 retain for three years all original inspection reports, field notes, and activity forms.

20 Reports shall be made available for inspection and reproduction to the
executive officer of the board or his or her duly authorized representative during
21 business hours. Original inspection reports or copies thereof shall be submitted to the
board upon request within two business days. The following shall be set forth in the
22 report:

23 (1) The date of the inspection and the name of the licensed field
representative or operator making the inspection.

24 (2) The name and address of the person or firm ordering the report.

25 (3) The name and address of any person who is a party in interest.

26 (4) The address or location of the property.

27 (5) A general description of the building or premises inspected.

28 (6) A foundation diagram or sketch of the structure or structures or

1 portions of the structure or structures inspected, indicating thereon the approximate
2 location of any infested or infected areas evident, and the parts of the structure where
3 conditions that would ordinarily subject those parts to attack by wood destroying pests
4 or organisms exist.

5 (7) Information regarding the substructure, foundation walls and
6 footings, porches, patios and steps, air vents, abutments, attic spaces, roof framing
7 that includes the eaves, rafters, fascias, exposed timbers, exposed sheathing, ceiling
8 joists, and attic walls, or other parts subject to attack by wood destroying pests or
9 organisms. Conditions usually deemed likely to lead to infestation or infection, such as
10 earth-wood contacts, excessive cellulose debris, faulty grade levels, excessive moisture
11 conditions, evidence of roof leaks, and insufficient ventilation are to be reported.

12 (8) One of the following statements, as appropriate, printed in bold type:
13 (A) The exterior surface of the roof was not inspected. If you want the water
14 tightness of the roof determined, you should contact a roofing contractor who is
15 licensed by the Contractors' State License Board.

16 (B) The exterior surface of the roof was inspected to determine whether
17 or not wood destroying pests or organisms are present.

18 (9) Indication or description of any areas that are inaccessible or not
19 inspected with recommendation for further inspection if practicable. If, after the
20 report has been made in compliance with this section, authority is given later to open
21 inaccessible areas, a supplemental report on conditions in these areas shall be made.

22 (10) Recommendations for corrective measures.

23 (11) Information regarding the pesticide or pesticides to be used for their
24 control as set forth in subdivision (a) of Section 8538.

25 (12) The inspection report shall clearly disclose that if requested by the
26 person ordering the original report, a reinspection of the structure will be performed if
27 an estimate or bid for making repairs was given with the original inspection report, or
28 thereafter.

(13) The inspection report shall contain the following statement, printed
in boldface type:

NOTICE: Reports on this structure prepared by various registered
companies should list the same findings (i.e. termite infestations, termite damage,
fungus damage, etc.). However, recommendations to correct these findings may vary
from company to company. You have a right to seek a second opinion from another
company." An estimate or bid for repairs shall be given separately allocating the costs
to perform each and every recommendation for corrective measures as specified in
subdivision (c) with the original inspection report if the person who ordered the
original inspection report so requests, and if the registered company is regularly in the
business of performing corrective measures.

If no estimate or bid was given with the original inspection report, or
thereafter, then the registered company shall not be required to perform a reinspection.

A reinspection shall be an inspection of those items previously listed on an
original report to determine if the recommendations have been completed. Each
reinspection shall be reported on an original inspection report form and shall be labeled
"Reinspection" in capital letters by rubber stamp or typewritten. Each reinspection

1 shall also identify the original report by date.

2 'After four months from an original inspection, all inspections shall be
3 original inspections and not reinspections.

4 Any reinspection shall be performed for not more than the price of the
5 registered company's original inspection price and shall be completed within 10
6 working days after a reinspection has been ordered.

7 (c) At the time a report is ordered, the registered company or licensee
8 shall inform the person or entity ordering the report, that a separated report is
9 available pursuant to this subdivision. If a separated report is requested at the time the
10 inspection report is ordered, the registered company or licensee shall separately
11 identify on the report each recommendation for corrective measures as follows:

12 (1) The infestation or infection that is evident.

13 (2) The conditions that are present that are deemed likely to lead to
14 infestation or infection.

15 If a registered company or licensee fails to inform as required by this
16 subdivision and a dispute arises, or if any other dispute arises as to whether this
17 subdivision has been complied with, a separated report shall be provided within 24
18 hours of the request but, in no event, later than the next business day, and at no
19 additional cost.

20 (d) When a corrective condition is identified, either as paragraph (1) or
21 (2) of subdivision (c), and the responsible party, as negotiated between the buyer and
22 the seller, chooses not to correct those conditions, the registered company or licensee
23 shall not be liable for damages resulting from a failure to correct those conditions or
24 subject to any disciplinary action by the board. Nothing in this subdivision, however,
25 shall relieve a registered company or a licensee of any liability resulting from
26 negligence, fraud, dishonest dealing, other violations pursuant to this chapter, or
27 contractual obligations between the registered company or licensee and the responsible
28 parties.

(e) The inspection report form prescribed by the board shall separately
identify the infestation or infection that is evident and the conditions that are present
that are deemed likely to lead to infestation or infection. If a separated form is
requested, the form shall explain the infestation or infection that is evident and the
conditions that are present that are deemed likely to lead to infestation or infection and
the difference between those conditions. In no event, however, shall conditions
deemed likely to lead to infestation or infection be characterized as actual "defects" or
as actual "active" infestations or infections or in need of correction as a precondition
to issuing a certification pursuant to Section 8519.

(f) The report and any contract entered into shall also state specifically
when any guarantee for the work is made, and if so, the specific terms of the guarantee
and the period of time for which the guarantee shall be in effect.

(g) Control service is defined as the regular reinspection of a property
after a report has been made in compliance with this section and any corrections as
have been agreed upon have been completed. Under a control service agreement a
registered company shall refer to the original report and contract in a manner as to
identify them clearly, and the report shall be assumed to be a true report of conditions
as originally issued, except it may be modified after a control service inspection. A

1 registered company is not required to issue a report as outlined in paragraphs (1) to
2 (11), inclusive, of subdivision (b) after each control service inspection. If after control
3 service inspection, no modification of the original report is made in writing, then it will
4 be assumed that conditions are as originally reported. A control service contract shall
5 state specifically the particular wood destroying pests or organisms and the portions of
6 the buildings or structures covered by the contract.

7 (h) A registered company or licensee may enter into and maintain a
8 control service agreement provided the following requirements are met:

9 (1) The control service agreement shall be in writing, signed by both
10 parties, and shall specifically include the following:

11 (A) The wood destroying pests and organisms that could infest and infect
12 the structure.

13 (B) The wood destroying pests and organisms covered by the control
14 service agreement. Any wood destroying pest or organism that is not covered must be
15 specifically listed.

16 (C) The type and manner of treatment to be used to correct the
17 infestations or infections.

18 (D) The structures or buildings, or portions thereof, covered by the
19 agreement, including a statement specifying whether the coverage for purposes of
20 periodic inspections is limited or full. Any exclusions from those described in the
21 original report must be specifically listed.

22 (E) A reference to the original inspection report and agreement.

23 (F) The frequency of the inspections to be provided, the fee to be
24 charged for each renewal, and the duration of the agreement.

25 (G) Whether the fee includes structural repairs.

26 (H) If the services provided are guaranteed, and, if so, the terms of the
27 guarantee.

28 (I) A statement that all corrections of infestations or infections covered
by the control service agreement shall be completed within six months of discovery,
unless otherwise agreed to in writing by both parties.

(2) Inspections made pursuant to a control service agreement shall be
conducted by a Branch 3 licensee. Section 8506.1 does not modify this provision.

(3) A full inspection of the property covered by the control service
agreement shall be conducted and a report filed pursuant to subdivision (b) at least
once every three years from the date that the agreement was entered into, unless the
consumer cancels the contract within three years from the date the agreement was
entered into.

(4) A written report shall be required for the correction of any infestation
or infection unless all of the following conditions are met:

(A) The infestation or infection has been previously reported.

1 (B) The infestation or infection is covered by the control service
2 agreement.

3 (C) There is no additional charge for correcting the infestation or
4 infection.

5 (D) Correction of the infestation or infection takes place within 45 days
6 of its discovery.

7 (E) Correction of the infestation or infection does not include fumigation.

8 (5) All notice requirements pursuant to Section 8538 shall apply to all
9 pesticide treatments conducted under control service agreements.

10 (6) For purposes of this section, "control service agreement" means any
11 agreement, including extended warranties, to have a licensee conduct over a period of
12 time regular inspections and other activities related to the control or eradication of
13 wood destroying pests and organisms.

14 (i) All work recommended by a registered company, where an estimate or
15 bid for making repairs was given with the original inspection report, or thereafter, shall
16 be recorded on this report or a separate work agreement and shall specify a price for
17 each recommendation. This information shall be provided to the person requesting the
18 inspection, and shall be retained by the registered company with the inspection report
19 copy for three years."

20 9. Section 8518 of the Code states:

21 "(a) When a registered company completes work under a contract, it shall
22 prepare, on a form prescribed by the board, a notice of work completed and not
23 completed, and shall furnish that notice to the owner of the property or the owner's
24 agent within 10 business days after completing the work. The notice shall include a
25 statement of the cost of the completed work and estimated cost of work not
26 completed.

27 (b) The address of each property inspected or upon which work was
28 completed shall be reported on a form prescribed by the board and shall be filed with
the board no later than 10 business days after completed work.

(c) A filing fee shall be assessed pursuant to Section 8674 for every
property upon which work is completed.

(d) Failure of a registered company to report and file with the board the
address of any property upon which work was completed pursuant to subdivision (b)
of Section 8516 or Section 8518 is grounds for disciplinary action and shall subject the
registered company to a fine of not more than two thousand five hundred dollars
(\$2,500).

(e) The registered company shall retain for three years all original notices
of work completed, work not completed, and activity forms.

(f) Notices of work completed and not completed shall be made available
for inspection and reproduction to the executive officer of the board or his or her duly
authorized representative during business hours. Original notices of work completed
or not completed or copies thereof shall be submitted to the board upon request within
two business days."

1
2 10. Section 8538 of the Code states:

3 "(a) A registered structural pest control company shall provide the owner,
4 or owner's agent, and tenant of the premises for which the work is to be done with
5 clear written notice which contains the following statements and information using
6 words with common and everyday meaning:

7 (1) The pest to be controlled.

8 (2) The pesticide or pesticides proposed to be used, and the active
9 ingredient or ingredients.

10 (3) State law requires that you be given the following information:

11 CAUTION PESTICIDES ARE TOXIC CHEMICALS. Structural Pest
12 Control Companies are registered and regulated by the Structural Pest Control Board,
13 and apply pesticides which are registered and approved for use by the California
14 Department of Pesticide Regulation and the United States Environmental Protection
15 Agency. Registration is granted when the state finds that based on existing scientific
16 evidence there are no appreciable risks if proper use conditions are followed or that
17 the risks are outweighed by the benefits. The degree of risk depends upon the degree
18 of exposure, so exposure should be minimized.' 'If within 24 hours following
19 application you experience symptoms similar to common seasonal illness comparable
20 to the flu, contact your physician or poison control center (telephone number) and
21 your pest control company immediately." (This statement shall be modified to include
22 any other symptoms of overexposure which are not typical of influenza.) 'For further
23 information, contact any of the following: Your Pest Control Company (telephone
24 number); for Health Questions the County Health Department (telephone number);
25 for Application Information the County Agricultural Commissioner (telephone
26 number) and for Regulatory Information the Structural Pest Control Board (telephone
27 number and address).

28 (4) If a contract for periodic pest control has been executed, the
frequency with which the treatment is to be done.

(b) In the case of Branch 1 applications, the notice prescribed by
subdivision (a) shall be provided at least 48 hours prior to application unless
fumigation follows inspection by less than 48 hours.

In the case of Branch 2, Branch 3 registered company applications, the
notice prescribed by subdivision (a) shall be provided no later than prior to application.

In either case, the notice shall be given to the owner, or owner's agent, and
tenant, if there is a tenant, in at least one of the following ways:

(1) First-class mail.

(2) Posting in a conspicuous place on the real property.

(3) Personal delivery.

If the building is commercial or industrial, a notice shall be posted in a
conspicuous place, unless the owner or owner's agent objects, in addition to any other
notification required by this section.

1 The notice shall only be required to be provided at the time of the initial
2 treatment if a contract for periodic service has been executed. If the pesticide to be
used is changed, another notice shall be required to be provided in the manner
previously set forth herein.

3 (c) Any person or licensee who, or registered company which, violates
4 any provision of this section is guilty of a misdemeanor and is punishable as set forth in
Section 8553."

5 11. Section 8637 of the Code states that "[m]isrepresentation of a material fact by the
6 applicant in obtaining a license or company registration is a ground for disciplinary action."

7 12. Section 8638 of the Code states that "[f]ailure on the part of a registered company to
8 complete any operation or construction repairs for the price stated in the contract for such
9 operation or construction repairs or in any modification of such contract is a ground for
10 disciplinary action."

11 13. Section 8642 of the Code states that "[t]he commission of any grossly negligent or
12 fraudulent act by the licensee as a pest control operator, field representative, or applicator or by a
13 registered company is a ground for disciplinary action."

14 14. Section 8644 of the Code states:

15 "Fraud or misrepresentation, after inspection, by any licensee or registered
16 company engaged in pest control work of any infestation or infection of
17 wood-destroying pests or organisms found in property or structures, or respecting any
18 conditions of the structure that would ordinarily subject structures to attack by
wood-destroying pests or organisms, whether or not a report was made pursuant to
Sections 8516 and 8517 of this code, is a ground for disciplinary action."

19 15. Section 8647 of the Code states:

20 "Failure to comply in the sale or use of pesticides with the provisions of
21 Chapter 2 (commencing with Section 12751) of Division 7 of the Food and
Agricultural Code is a ground for disciplinary action."

22 16. Government Code section 11519(d) provides, in pertinent part, that the Board may
23 require restitution of damages suffered as a condition of probation in the event probation is
24 ordered.

25 REGULATORY PROVISIONS

26 17. California Code of Regulations, title 16, section 1996.3, states:

27 "(a) The address of each property inspected and/or upon which work was
28 completed shall be reported on a form prescribed by the Board and designated as the
WDO Inspection and Completion Activity Report Form (see Form No. 43M-52 Rev.

1 5/09) at the end of this section. This form shall be prepared by each registered
2 company and shall comply with all of the requirements pursuant to Section 8516(b),
3 and 8518.

4 (b) The form shall contain the following information for each property
5 inspected and/or upon which work was completed.

6 (1) Company Name

7 (2) Company registration number

8 (3) Branch office registration number (when a branch office issues an
9 inspection report or notice of work completed

10 (4) Date of Activity

11 (5) Address of property inspected or upon which work was completed,
12 including zip code

13 (6) Activity Code

14 (7) License number of licensee performing the inspection

15 (c) Failure of a registered company to report and file with the Board the
16 address of any property inspected or upon which work was completed pursuant to
17 Section 8516(b) or 8518 are grounds for disciplinary action and subject to a fine of not
18 more than two thousand five hundred dollars (\$ 2,500)."

19 18. California Code of Regulations, title 16, section 1937.14, states:

20 "All work completed by licensees or registered companies shall be done
21 within the specific requirements of any plans or specifications and shall meet accepted
22 trade standards for good and workmanlike construction in any material respect, and
23 shall comply with provisions of Section 2516(c)(1), (2), (4) and (6) of Title 24,
24 California Code of Regulations."

25 COST RECOVERY

26 19. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licentiate found to have committed a violation or violations of
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
included in a stipulated settlement.

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28 FACTUAL BACKGROUND

1 20. **Application for Registration of Company (July 2011):** On January 23, 2007,
2 the Contractors' State License Board (CSLB) issued license number 889979 (B Classification) to
3 Ritetech Construction Inc., John Hyuk Park (CEO/President). License number 889979 was
4 revoked by CSLB on January 12, 2010, pursuant to section 7090.1 of the Code. On July 26,
5 2011, Respondent submitted an Application for Registration of Company to the Board under the
6 penalty of perjury of the laws of the state of California. Question 8 on the application inquired:
7 "[h]ave you, or any of you, ever had a professional or vocational license refused, suspended or
8 revoked by this or any other State?" Respondent answered "no." Question 9 on the application
9 inquired: "[h]ave you, or any of you, ever been connected with any person, copartnership or
10 corporation, whose professional or vocational license was refused, suspended or revoked by this
11 or any other State?" Respondent answered "no."

12 21. **Del Zuro Property:** Respondent agreed to do a complete inspection and report on a
13 property located at 7419 Del Zuro Drive in Los Angeles, California (Del Zuro property). On
14 January 13, 2015, Respondent inspected the Del Zuro property and issued a limited separated
15 inspection report, which contained five findings and recommendations, including termite
16 infestations, termite damage, and decay fungi damage. Respondent failed to issue an inspection
17 report for the January 13, 2015, inspection within ten business days of the inspection. Respondent
18 then agreed to do a full set of termite repairs at the Del Zuro property. Respondent began work
19 and treatment of the Del Zuro property on February 19, 2015. However, Respondent failed to
20 provide the property owner with clear written notice of the pesticides applied in or around the
21 property before their respective use on February 19, 2015. Respondent also failed to issue a
22 completion notice for the work completed on February 19, 2015. Respondent returned to the Del
23 Zuro property on July 20, 2015, and did a local treatment. Respondent again failed to provide the
24 property owner with clear written notice of the pesticides applied in or around the property before
25 their respective use on July 20, 2015. Respondent also failed to issue an inspection report and a
26 completion notice for the work completed on July 20, 2015. Respondent failed to file with the
27 Board notice of Wood Destroying Organism activities. A subsequent inspection revealed that
28

1 termite infestations were active and extend into areas that are physically inaccessible for local
2 chemical treatments:

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Misrepresentation of Material Fact in Obtaining License)**

5 22. Respondent is subject to disciplinary action under section 8637 of the Code in that he
6 misrepresented a material fact in his application to obtain a license or company registration. The
7 conduct is described in more particularity in paragraph 20 above, inclusive and hereby
8 incorporated by reference.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Failed to Issue an Inspection Report)**

11 23. Respondent is subject to disciplinary action under section 8516 of the Code in that
12 Respondent failed to issue an inspection report to the person requesting the inspection within ten
13 business days of the inspection. Specifically, Respondent failed to timely issue inspection reports
14 for the January 13, 2015, and July 20, 2015, inspections. The conduct is described in more
15 particularity in paragraph 21 above, inclusive and hereby incorporated by reference.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Failed to Issue Completion Notice)**

18 24. Respondent is subject to disciplinary action under section 8518 of the Code in that
19 Respondent failed to issue a completion notice to the person requesting the completion notice
20 within ten business days of completing the work. Specifically, Respondent failed to timely issue
21 completion notices for the treatments/repairs on February 19, 2015, and July 20, 2015. The
22 conduct is described in more particularity in paragraph 21 above, inclusive and hereby
23 incorporated by reference.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Failed to Report Address of Property Inspected)**

26 25. Respondent is subject to disciplinary action under section 8516 of the Code, section
27 8518 of the Code, and California Code of Regulations title 16, section 1996.3, in that Respondent
28 failed to file with the Board the address of the property inspected (or upon which work was

1 completed) no later than ten days after the commencement of an inspection or upon completed
2 work. The conduct is described in more particularity in paragraph 21 above, inclusive and hereby
3 incorporated by reference.

4 **FIFTH CAUSE FOR DISCIPLINE**

5 **(Failed to Provide Consumers with Notice of Pesticides Applied)**

6 26. Respondent is subject to disciplinary action under section 8538, subdivision (a)(3) of
7 the Code in that he failed to provide the consumer with clear, written notice of the pesticides
8 applied in or around the property, prior to their respective use. The conduct is described in more
9 particularity in paragraph 21 above, inclusive and hereby incorporated by reference.

10 **SIXTH CAUSE FOR DISCIPLINE**

11 **(Failure to Exterminate Drywood Termite Infestation)**

12 27. Respondent is subject to disciplinary action under section 8638 of the Code in that
13 Respondent failed to exterminate drywood terminate infestations through the use of chemical
14 treatments on the Del Zuro property. The conduct is described in more particularity in paragraph
15 21 above, inclusive and hereby incorporated by reference.

16 **SEVENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Complete Work on Inspection Report)**

18 28. Respondent is subject to disciplinary action under section 8638 of the Code, and
19 California Code of Regulations title 16, section 1937.14 in that Respondent failed to complete the
20 work reported on the January 13, 2015, inspection report, resulting in a financial injury to the
21 consumer in the amount of \$8,500.00. The conduct is described in more particularity in paragraph
22 21 above, inclusive and hereby incorporated by reference.

23 **EIGHTH CAUSE FOR DISCIPLINE**

24 **(Gross Negligence and Fraudulent Act)**

25 29. Respondent is subject to disciplinary action under section 8642 of the Code in that he
26 was grossly negligent and committed a fraudulent act. Specifically, Respondent told the consumer
27 that he would do a complete report of the Del Zuro property but he only did a limited inspection
28 and report. The conduct is described in more particularity in paragraph 21 above, inclusive and

1 hereby incorporated by reference.

2 30. Respondent is subject to disciplinary action under section 8642 of the Code in that he
3 was grossly negligent and committed a fraudulent act when he failed to complete work in the
4 inspection report. The conduct is described in more particularity in paragraph 21 above, inclusive
5 and hereby incorporated by reference.

6 **NINTH CAUSE FOR DISCIPLINE**

7 **(Fraud of Misrepresentation After Inspection)**

8 31. Respondent is subject to disciplinary action under section 8644 of the Code in that
9 Respondent committed fraud or misrepresentation after inspection when he failed to complete
10 work in the inspection report. The conduct is described in more particularity in paragraph 21
11 above, inclusive and hereby incorporated by reference.

12 **TENTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply in Sale or Use of Insecticides)**

14 32. Respondent is subject to disciplinary action under section 8647 of the Code in that he
15 failed to comply in the sale or use of insecticides within the provisions of Chapter 2 of Division 7
16 of the Food and Agricultural Code. Specifically, Respondent failed to provide the consumer with
17 clear, written notice of pesticides applied in or around the property prior to their respective use.
18 The conduct is described in more particularity in paragraph 21 above, inclusive and hereby
19 incorporated by reference.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Structural Pest Control Board issue a decision:

4 1. Revoking or suspending Company Registration Certificate Number PR 6355, Branch
5 3, issued to Ritech Exterminator, Inc. dba Ritech Exterminator; John Hyuk Park and Operator's
6 License Number OPR 12127 issued to John H. Park;

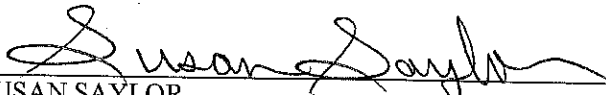
7 2. Prohibiting John H. Park from serving as an officer, director, associate, partner,
8 qualifying manager, or responsible managing employee of any registered company during the
9 period that discipline is imposed on Operator License Number OPR 12127, issued to John H.
10 Park;

11 3. Ordering John Hyuk Park to pay the Structural Pest Control Board the reasonable
12 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
13 section 125.3;

14 4. Ordering John Hyuk Park to pay restitution of all damages according to proof suffered
15 by owners of the incident property as a condition of probation in the event probation is ordered;

16 5. Taking such other and further action as deemed necessary and proper.
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20 DATED: 2/2/10


21 SUSAN SAYLOR
22 Registrar/Executive Officer
23 Structural Pest Control Board
24 Department of Consumer Affairs
25 State of California
26 Complainant
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